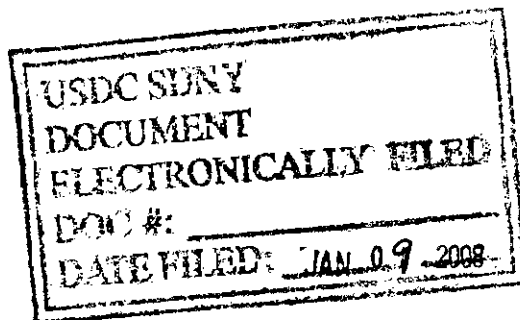




THE CITY OF NEW YORK
LAW DEPARTMENT
 100 CHURCH STREET
 NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
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 Tel.: (212) 788-0987
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January 7, 2008

BY FAX: (212) 805-0417
 Honorable Laura T. Swain
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

INSTRUCTIONS
 IT IS ORDERED that counsel to whom this Memo is sent is responsible for faxing or delivering promptly a copy to all counsel of interested parties and filing a certificate of compliance within 5 days from the date hereof. Do not file this with the Clerk.

Re: Kevin Spruill v. City of New York, et al., 07 CV 11069 (LTS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendants City of New York and Police Commissioner Raymond Kelly. I am writing with the consent of plaintiff's counsel, Cynthia Conti-Cook, Esq., to request a sixty-day enlargement of time, from January 7, 2008 to March 7, 2008, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action. This request will not effect the initial conference currently scheduled for March 7, 2008, at 2:15 p.m.

The plaintiff alleges, *inter alia*, that he was subjected to false arrest, false imprisonment, and malicious prosecution, in violation of his constitutional rights. Plaintiff also alleges state law claims including assault and battery. In addition to the City of New York and Raymond Kelly, plaintiff also names Deputy Inspector Barrere and Police Officer Bernice Gracia.¹

¹ Upon information and belief, Deputy Inspector Barrere and Police Officer Bernice Gracia have not yet been served in this matter.

Copies ~~sent~~ faxed to
 Chambers of Judge Swain

Def't's counsel
 1-9-08

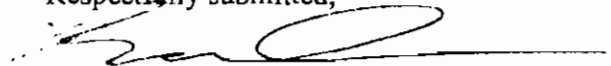
Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and forward to plaintiff for execution authorizations for the release of the underlying arrest and prosecution records, which may have been sealed pursuant to NYCPL § 160.50. Without the underlying records, the defendants cannot properly assess this case or respond to the complaint. Accordingly, the enlargement of time will afford us the opportunity to investigate the matter and to secure the relevant documents.

This additional time should allow plaintiff to serve the individual defendants. Thereafter, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. The officers must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until March 7, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,

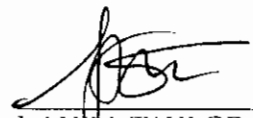


Brian G. Maxey (BM 0451)

The request is granted.

BY FAX: (718) 852-3586
Cynthia Conti-Cook, Esq.
Stoll Glickman & Bellina, LLP
Attorneys for Plaintiff

SO ORDERED.



1/8/2008

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE